



Response to Office Action Mailed May 4, 2005 PATENT 10/767,183

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(LHTLG No. 03,139)**

In re Application of:

Robert E. Mitchell

Serial No. **10/767,183**

Filed: **29-January-2004**

For: **ADVERTISING MATERIALS
AND METHOD FOR
COOPERATIVE PROMOTIONS**

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) Examiner: **Firdie, Jr., Willimon**
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Group Art Unit: **3722**
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) Confirmation No. **4646**
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RESPONSE TO OFFICE ACTION MAILED May 5, 2005

Responsive to the Office Action mailed May 5, 2005, Applicant submits the following Response.

RESPONSE

Claims 1-30 are pending in the application. Claims 1, 14, 16, 19 and 24 are in independent format.

DOUBLE PATENTING REJECTION

The Examiner rejected claims 1-30 under "the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,340,179 to Mitchell. Although the claims are not identical, they are not patentably distinct from each other because both sets disclose a method and apparatus for gaming and advertising using a break open window and other